

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	See form PCT/ISA/210
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Applicant's or agent's file reference

031324WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/001681

International filing date (day/month/year)

18.02.2005

Priority date (day/month/year)

24.02.2004

International Patent Classification (IPC) or both national classification and IPC

B65B1/08

Applicant

SIG TECHNOLOGY AG

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I	Basis of this opinion
1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.	
<input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).	
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:	
a. type of material	
<input type="checkbox"/> a sequence listing	
<input type="checkbox"/> table(s) related to the sequence listing	
b. format of material	
<input type="checkbox"/> in written format	
<input type="checkbox"/> in computer readable form	
c. time of filing/furnishing	
<input type="checkbox"/> contained in the international application as filed.	
<input type="checkbox"/> filed together with the international application in computer readable form.	
<input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.	
3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.	
4. Additional comments:	

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International application No. PCT/EP2005/001681

Box No. V <u>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>	
1. Statement	
Novelty (N)	Claims <u>1-11</u> YES <u> </u> NO
Inventive step (IS)	Claims <u>1-11</u> YES <u> </u> NO
Industrial applicability (IA)	Claims <u>1-11</u> YES <u> </u> NO
2. Citations and explanations:	
2.1 Reference is made to the following document:	
D1: SU-A1-1 381 037	
2.2 Document D1 is considered to be the closest prior art in relation to the subject matter of claim 1. It discloses (the references between parentheses refer to this document):	
<p>device (see figures) for filling liquid or pasty products having lumpy portions and pourable, free-flowing chunky bulk products with a downpipe (1), the downpipe (1) having at least one flexible side wall and means (2, 3) for mechanically pressing-in the at least one side wall of the downpipe (1) being provided, the means for mechanically pressing in the side wall of the downpipe (1) having rotatable elements (3) for deforming the downpipe cross section and the elements (4) being driven in a rotatory manner about an axis of rotation.</p>	
2.2.1 The subject matter of claim 1 therefore differs	

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
from the known D1 in that

the means are driven about an axis of rotation running essentially parallel to the downpipe.

2.2.2 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2.2.3 The problem addressed by the present invention can therefore be considered that of providing a more compact filling device.

2.2.4 The solution proposed in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)):

the proposed solution is neither known from the prior art nor would it be obvious to a person skilled in the art to apply the said features to like effect to a device according to document D1 in order thus to arrive at a device according to claim 1.

2.3 Claims 2 to 11 are dependent on claim 1 and thus likewise meet the PCT requirements for novelty and inventive step.